

REMARKS

Claims 1, 2 and 4 stand rejected under 35 U.S.C 102(b) as be anticipated by Schroder et al. (U.S. Patent No. 5,197,052). Claims 3, 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder et al. in view of Brown et al. (U.S. Patent No. 6,366,622). Claims 1-6 are pending.

The Examiner suggested adding headings to the specification under 37 CFR 1.77(b). Applicant gratefully acknowledges the Examiner's suggestion, however respectfully declines to add the headings as they are not required in accordance with MPEP §608.01(a). Applicants note that such section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75.

On the merits, applicants respectfully submit that the pending claims, as amended, are patentable for at least the following reasons.

Amended independent claim 1 is directed to a foot-operated input unit for use with a computer to enable a dictating machine, the foot-operated input unit comprising a processor configured to (1) enable foot-operated control information input for operation of the dictating machine, (2) enable a connection for connecting the foot-operated input unit to the computer, wherein control information is delivered to the computer using the connection, and (3) enable a digital data bus link coupled to the connection, wherein the connection device is arranged for receiving the audio information as digital audio data from the computer and delivering the control information as control data to the computer using the digital data bus link; and a headphone or loudspeaker connected to the foot-operated input unit, wherein audio information from the dictating machine is delivered to headphones or loudspeaker.

Applicants respectfully submit that Schroder et al. and Brown et al., alone or in combination, do not teach, show or imply a foot-operated input unit that

includes a processor configured to (1) enable foot-operated control information input for operation of the dictating machine, (2) enable a connection for connecting the foot-operated input unit to the computer, wherein control information is delivered to the computer using the connection, and (3) enable a digital data bus link coupled to the connection, wherein the connection device is arranged for receiving the audio information as digital audio data from the computer and delivering the control information as control data to the computer using the digital data bus link; and a headphone or loudspeaker connected to the foot-operated input unit, wherein audio information from the dictating machine is delivered to headphones or loudspeaker, as recited in amended claim 1.

Although Schroder shows that a foot switch 30 is coupled to the interlocking circuit of computer 12 using third interface and headphones 28 is coupled to an interlocking circuit of computer 12 using a second interface, see col. 2, lines 10-22, it does not teach, show or imply that the headphone or loudspeaker is or can be directly connected to the foot-operated input unit, as recited in amended claim 1.

Further, the Schroder foot switch does not include a processor configured to (1) enable foot-operated control information input for operation of the dictating machine, (2) enable a connection for connecting the foot-operated input unit to the computer, wherein control information is delivered to the computer using the connection, and (3) enable a digital data bus link coupled to the connection,

wherein the connection device is arranged for receiving the audio information as digital audio data from the computer and delivering the control information as control data to the computer using the digital data bus link.

Schroder teaches that foot switch 30 “operates in the same function as the foot switch of a regular dictation recorder,” see col. 2, lines 20-22.

A useful feature of the foot input unit of Claim 1 is the direct connection [to the foot input unit of the headphones or loudspeaker for listening to a dictation, which offers both the advantage of a simpler installation of the connection cable of the headphones or loudspeaker and the advantage that the output connection of the soundcard and of the game port of the computer are free for other applications. Furthermore, the computer need not have a soundcard to work in the audio reproduction mode as a dictating machine, see page 2, lines 17-27 of the specification.

A careful reading of the system of Claim 1 reveals that the structure of the system does not at all correspond to the structure the Examiner noted in Schroder. To simply state that the combination of functional units in Schroder anticipates the present invention reduces the system of claim 1 to a mere “gist” or “thrust.” Such an interpretation disregards the “as a whole” requirement of MPEP 2141.02, and distills the complexities of the actual system of Claim 1 to an abstract general buzz word, precisely the problem obviated by MPEP 2141.02.

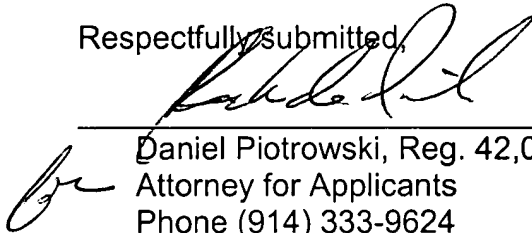
Since Schroder et al. and Brown et al., do not teach, show or suggest all of the features of amended independent claim 1, as recited above, applicant respectfully submits that this claim is patentable over these references.

Claims 2-6 in this application are dependent from claim 1 discussed above and is, therefore, believed allowable and patentable for at least the same reasons.

The applicants submit that the claims, as they now stand, fully satisfy the requirements of 35 U.S.C. 102 and 103. In view of the foregoing amendments and remarks, favorable reconsideration and early passage to issue of the present application are respectfully solicited.

Respectfully submitted,

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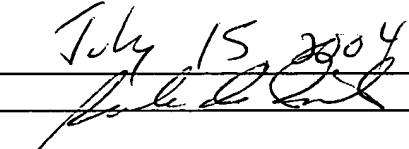

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